



# UK Chemical Regulation

## Finding a Path When Regulations Diverge

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# UK Legislative Timeline

Brexit Day **31-Jan-2020**

- The UK exits the European Union

End of Transition **31-Dec-2020**

- EU legislation ceases to apply







European Union Withdrawal Act 2018 comes into force

- Brings all existing EU legislation into UK law if it meets the following criteria:
  - The legislation was in force prior to Brexit Day
  - And the legislation applied prior to Brexit Day

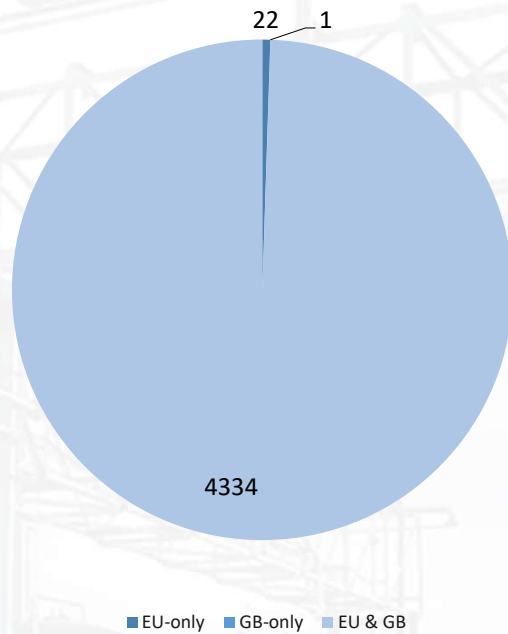
# Tracking Legislation post-Brexit

## Classification Labelling and Packaging of Substances and Mixtures

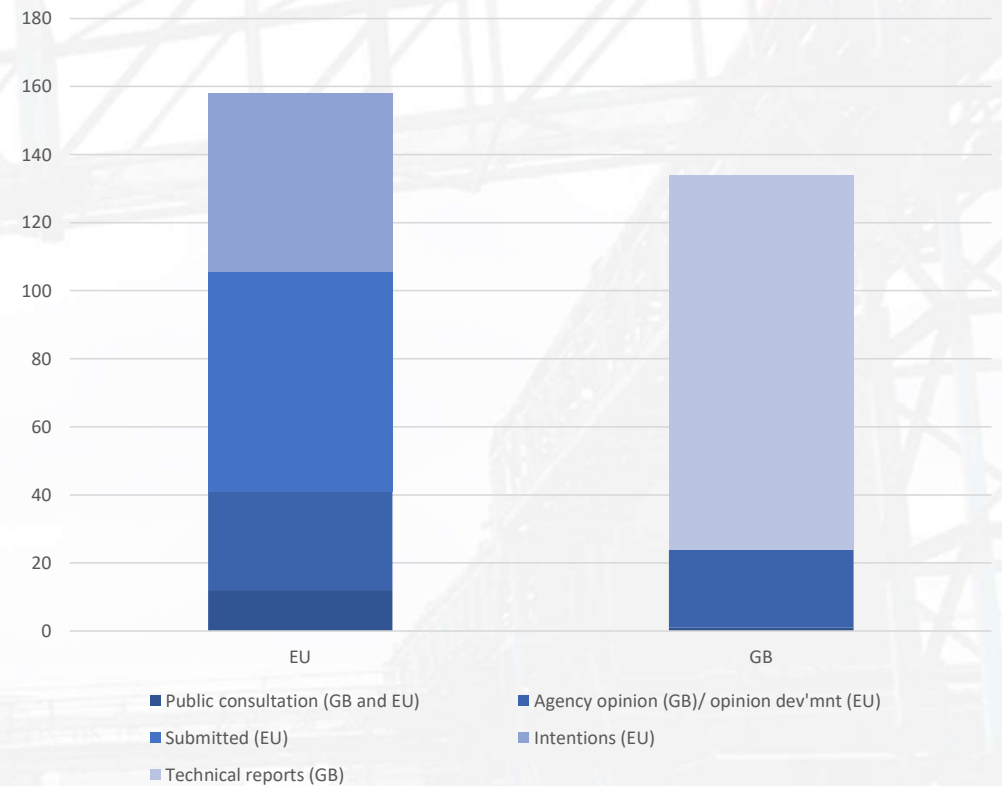
- Regulation EC No 1272/2008
- Regulation EC No 286/2011
- Regulation EC No 487/2013
- Regulation EC No 517/2013
- Regulation EC No 1297/2014
- Regulation EC 2016/918
- Regulation EC 2017/776
- **EU Withdrawal Bill 2018** 
- Regulation EC 2019/521
- Regulation EC 2019/1243
- **Regulation SI 2019/720** 
- Regulation EC 2020/11 (Applies Jan 1<sup>st</sup> 2020)
- **Regulation SI 2020/1567** 
- Regulation EC 2020/1676 (Applies 1<sup>st</sup> Sep 2020)
- Regulation EC 2020/1677 (Applies Jan 1<sup>st</sup> 2020)
- **Regulation EC 2021/849** 
- **Regulation EC 2022/629** 

# Monitoring Divergence - Classifications

Harmonised and Mandatory Classifications, 25/05/22

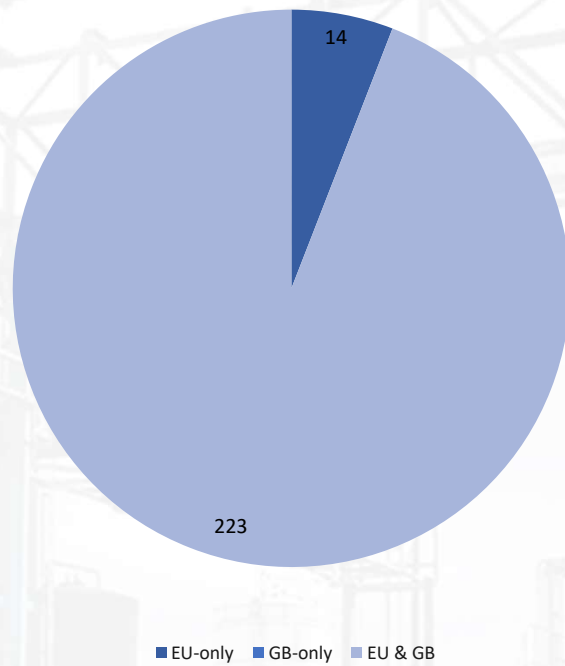


Harmonised/Mandatory Classification Pipeline

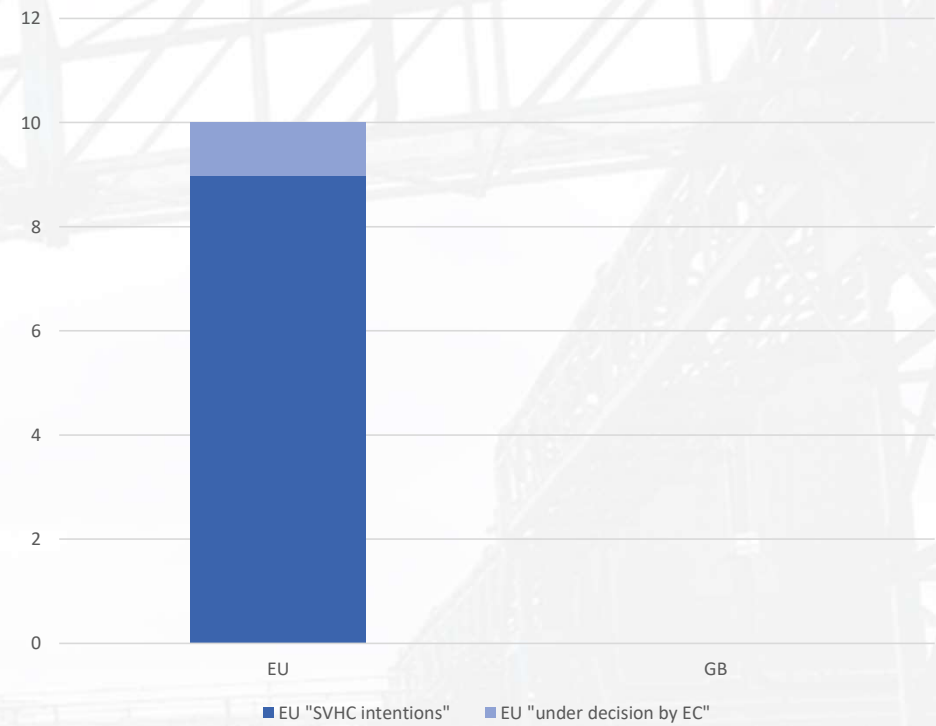


# Monitoring Divergence - SVHCs

SVHCs, 25/05/22

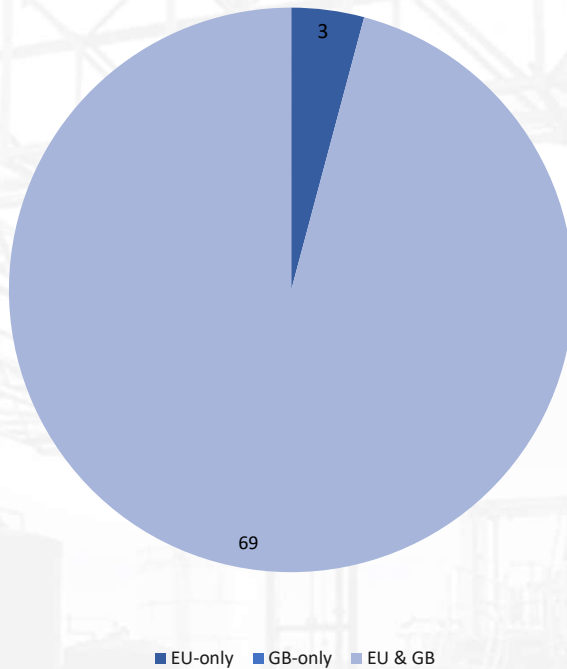


SVHC Pipeline

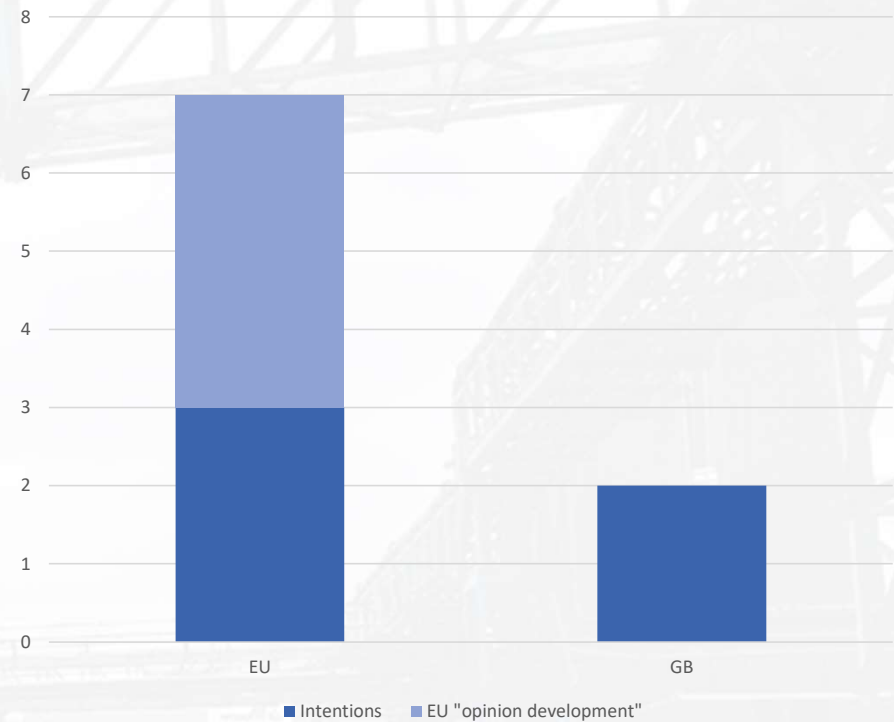


# Monitoring Divergence - Restrictions

Restricted Chemicals, 25/5/22

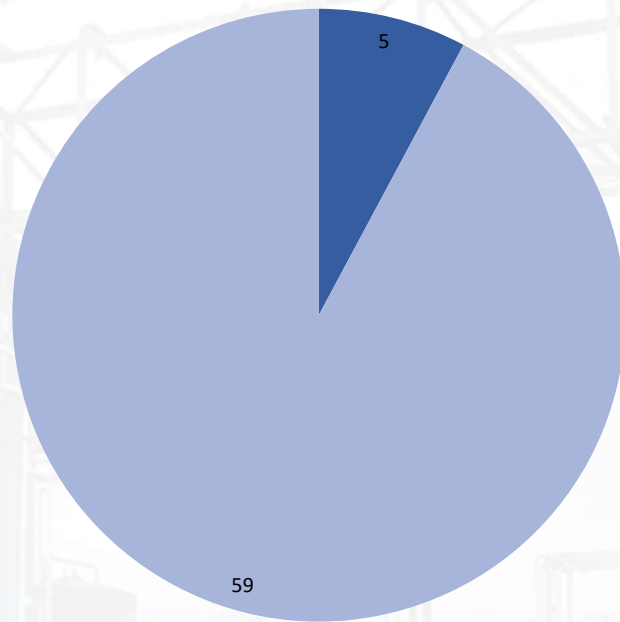


Restrictions Pipeline



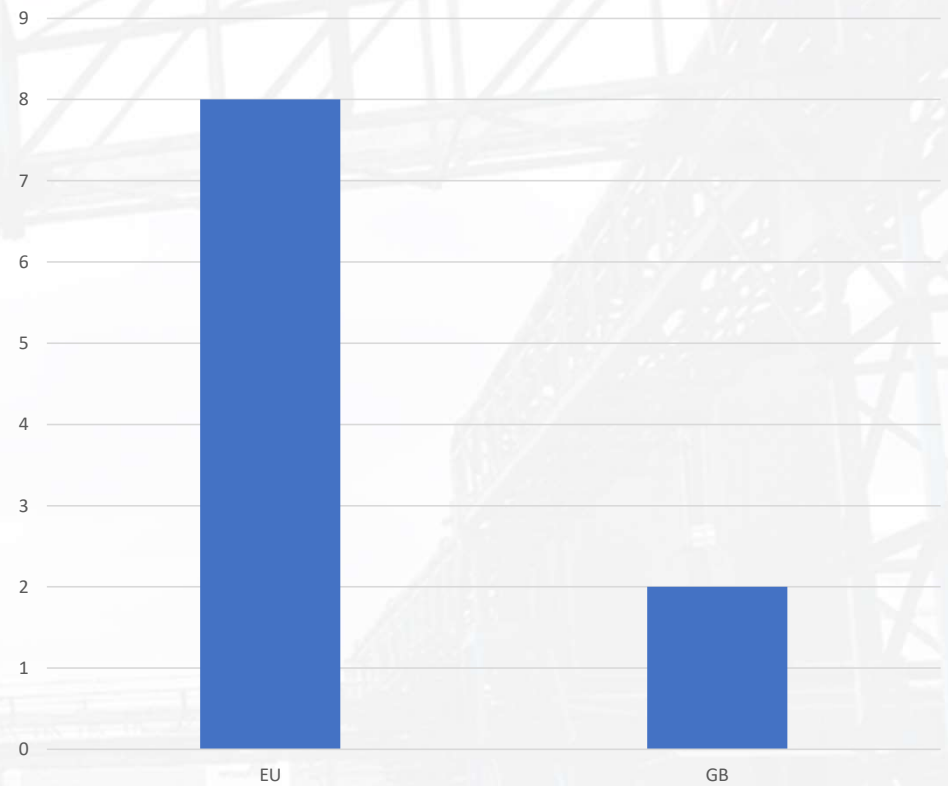
# Monitoring Divergence - Authorisations

Authorisation List, 25/5/22



■ EU-only ■ GB-only ■ EU & GB

Authorisation Intentions



# 17<sup>th</sup> ATP - (Regulation (EC) No 2021/849)

- 22 Substances added to Annex VI in the EU and Northern Ireland
  - 9 of these are Carcinogenic or Repro-toxic
    - Restrictions #3, 28, 29, 30, 72
- 39 Substances changed on Annex VI
  - Will now carry a different mandatory classification in the EU (and NI) vs. GB
- 1 Substance removed from Annex VI (will remain on the Mandatory Classification List in GB)
- Applies from 17-December-2022



# 18<sup>th</sup> ATP - (Regulation (EC) No 2022/692)

- 39 Substances added to Annex VI in the EU and Northern Ireland
  - 24 of these are Carcinogenic, Mutagenic or Repro-toxic
    - Restrictions #3, 28, 29, 30, 72
- 17 Substances changed on Annex VI
  - Will now carry a different mandatory classification in the EU (and NI) vs. GB
- 1 Substance removed from Annex VI (will remain on the Mandatory Classification List in GB)
- Applies from 23-November-2023

# 15<sup>th</sup> ATP

EU Implements ATP 15  
(EU 2020/1182)

GB Implements 15th  
ATP (EU 2020/1182)

Multilateral  
Agreement for  
Transitional  
Provisions under  
ADR/RID

Update to the  
Cosmetics  
Regulation (1223/  
2009) (2021/  
1902)

Update  
to REACH Annex  
XVII (2021/2204)

# Northern Ireland Protocol

- Northern Ireland is part of UK customs territory
- But is regulated by the EU customs unions and single market regulations on manufactured (including chemical) goods
- Companies based in, or supplying products to Northern Ireland are subject to EU REACH, BPR, CLP and all other EU regulations
- They are also required to submit Poison Centre Notifications
  - Although they cannot select their country within the PCN Portal
  - And the Northern Ireland Poison Centre is in England

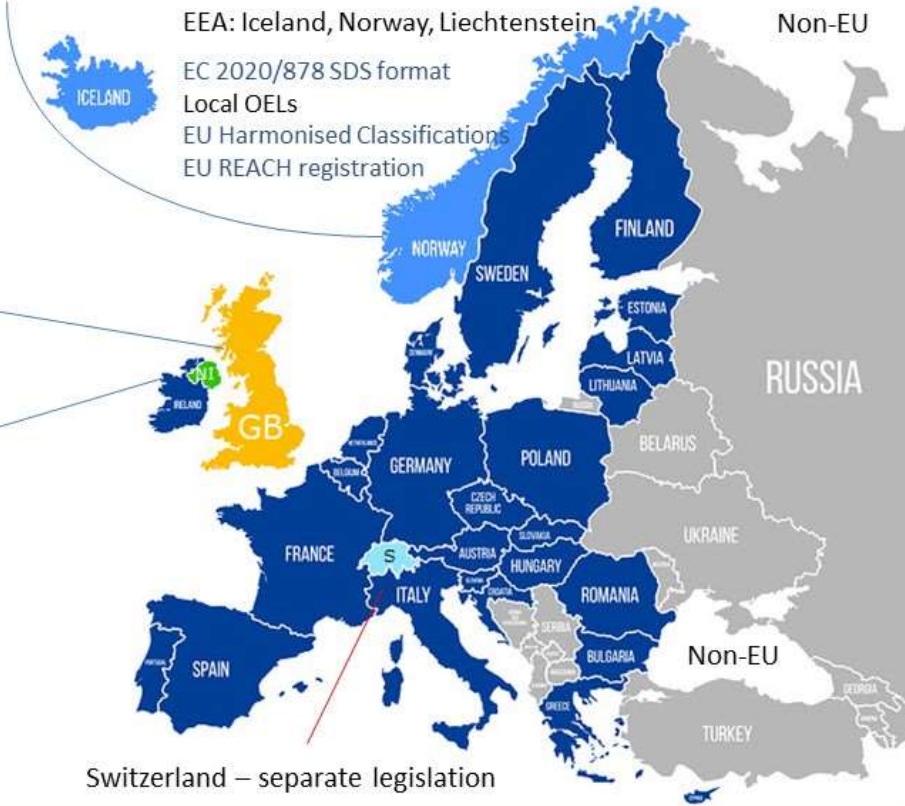
# The Safety Data Sheet

## Safety Data Sheet and related legislation in Europe

**Mainland GB**  
 UK SI 2019/758 SDS format  
 UK WELs  
 UK Mandatory Classifications  
 UK REACH registration

**Northern Ireland**  
 EC 2020/878 SDS format  
 UK WELs  
 EU Harmonised Classifications  
 EU REACH registration

**EU**  
 EC 2020/878 SDS format  
 EU and Member State OELs  
 EU Harmonised Classifications  
 EU REACH registration



# Definition of 'Supplier'

Any manufacturer, importer, downstream user or distributor placing on the market a substance on its own or in a mixture, or a mixture, and each of these entities is defined as a natural or legal person established within the community

Safety Data Sheet (REACH): Manufacturer, importer, **only representative**, downstream user or distributor

Label (CLP): Manufacturer, importer, downstream user, distributor

# Placing on the Market?

## Importer of Record

- Declarant
  - Customs Protocol
  - Entity that clears your goods through customs and into free circulation
  - Complete the customs documentation, pay fees/tariffs
  - Accountable for goods during import
  - Auditable by customs authorities
- Legally – defined as the Importer in the supply chain
- May not ever have physical custody of the goods



# REACH

- GB Based Companies – manufacturing or importing substances => 1 tonne per annum
- GB-Based Only Representatives taking on registration responsibilities for Non-GB based companies

'Grandfather' an existing EU notification (April 2021)	Initial submission (basic data) for GB companies that held EU REACH Registrations
Downstream User Import Notification (DUIN) – (Oct 2021 – But still open!)	Initial notification (basic data) for GB companies that did not hold the EU REACH Registration
Full Registration =>1000 tonnes – (Oct 2023 – Due to be extended)	Full Registration dossier for highest tonnage band, all CMRs, all H400 and H410 (>100 tonne) and any SVHC substances (>1tonne)
Full Registration =>100 tonnes – (Oct 2025 – Due to be extended)	Full Registration dossier for mid tonnage band, and all SVHC substances
Full Registration =>1 tonne – (Oct 2027 – Due to be extended)	Full Registration dossier for low tonnage band

# Conformity Marking – The UKCA Mark

- All goods which previously required the CE marking, and aerosol containers
- Check whether you can self-declare or need to use a third party conformity assessment
- Transitional measure allows you to place the mark on the label or accompanying document (until 1 Jan 2023)



- Toys
- Recreational craft/Watercraft
- Pressure vessels
- Weighing instruments
- Lifts
- ATEX
- Radio equipment
- PPE
- Gas appliances
- Machinery
- Outdoor equipment
- Ecodesign products
- Aerosols
- Low voltage electricals
- Pressure equipment



# Hot Topics

- Annex VIII – Poison Centre Notifications
  - Inadvertently published in UK legislation
  - No infrastructure to support notification
  - Consumer and Professional Product Deadline – Jan 1<sup>st</sup> 2021
  - Industrial Product Deadline – Jan 1<sup>st</sup> 2024
  - Official advice from HSE and National Poisons Information Service is to continue previous (pre-Annex VIII) measures
    - Voluntary submission of SDS
- Annex VIII will need to be amended or repealed with legislation in the UK

# What next for Regulation in the UK

- DEFRA consultation on REACH
- Outcomes of the Northern Ireland Protocol Negotiations
- Decision on Annex VIII
- Divergent substance classifications
- Divergent Restrictions and Authorisations
- Different Biocidal Product Approvals, and different renewal schedules
- Divergent classification methods?
  - New CLP building blocks for the EU -> Endocrine disruptors, Neurological effects



# Where do you access information?

- Legislation from Legislation.gov.uk
- Guidance and lists from the HSE

legislation.gov.uk

Regulation (EC) No 1907/2006 of the European Parliament and of the Council

Regulations originating from the EU • 2006 No. 1907 • Table of contents

Table of Contents Content More Resources

What Version

Latest available (Revised)

Original (As adopted by EU)

Opening Options

Open whole Regulation

Open Regulation without Annexes

Open Annexes only

More Resources

EU Official Journal Version

Corrigendum 05/02/2009

Corrigendum 31/05/2008

Corrigendum 29/05/2007

Health and Safety Executive

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HSE > Guidance > Industries > UK REACH

## UK registration, evaluation and restriction of chemicals

### Popular guidance

**UK REACH explained**

Aims, duties, scope and exemptions

**EU REACH registrations under UK REACH**

Grandfathering registrations

**UK REACH substances of very high concern (SVHCs)**

What SVHCs are, the candidate list, supplier responsibilities

**Topics**

**Registration**

New registrants, exemptions, Northern Ireland, Overview

Candidate List of substances of very high concern (SVHC) for Authorisation

How to search, filter or sort (select this link)

Substance name	Description	EC No.	CAS No.	Reason for inclusion	Date of inclusion	Remarks
<b>Note: Group entries are split in different rows</b>						
245-152-0	Dibutylbis(pentane-2,4-dionato-0,0')tin	22679-19-4	-	Toxic for reproduction (Article 57c)	25/06/2020	
202-538-7	Butyl 4-hydroxybenzoate	94-26-8	-	Endocrine disrupting properties (Article 57f) - human health	25/06/2020	
211-785-7	2-methylimidazole	693-98-1	-	Toxic for reproduction (Article 57c)	25/06/2020	
214-023-0	1-vinylimidazole	1072-89-5	-	Toxic for reproduction (Article 57c)	25/06/2020	
-	Perfluorobutane sulfonic acid (PFBS) and its salts	-	-	Equivalent level of concern having probable serious effects to human health (Article 57f) - human health (Equivalent level of concern having probable serious effects to the environment (Article 57f) - environment)	16/01/2020	The combined intrinsic properties of the inclusion as a substance of concern having a high mobility in water and a long-range transport, a remediation and water moderate bioaccumulation observed probable serious effects to human health and the environment (Equivalent level of concern having probable serious effects to the environment (Article 57f) - environment)
276-090-2	Diisooxyl phthalate	71850-09-4	-	Toxic for reproduction (Article 57c)	16/01/2020	
400-600-6	2-methyl-1-(4-methylthiophenyl)-2-morpholinopropan-1-one	71888-10-5	-	Toxic for reproduction (Article 57c)	16/01/2020	
406-380-5	2-benzy-2-(dimethylamino)-4-morpholinobutylphosphonate	119313-12-1	-	Toxic for reproduction (Article 57c)	16/01/2020	
-	Tris(4-nonylphenyl, branched and linear) phosphite (TNBP) with 2 0.1% w/w of 4-nonylphenol, branched and linear (4-NP)	-	-	Endocrine disrupting properties (Article 57f) - environment	16/07/2019	
-	tris(4-nonylphenyl, branched) phosphite, tris(nonylphenyl) phosphite	247-759-6	26523-78-4	Endocrine disrupting properties (Article 57f) - environment	16/07/2019	
701-028-2	tris(4-nonylphenyl, branched) phosphite	-	-	Endocrine disrupting properties (Article 57f) - environment	16/07/2019	
-	Phenol, 4-nonyl-, phosphite (3:1)	3050-88-2	-	Endocrine disrupting properties (Article 57f) - environment	16/07/2019	
202-679-0	4-tert-butylphenol	98-54-4	-	Endocrine disrupting properties (Article 57f) - environment	16/07/2019	
101-779-8	7-methoxyethyl acetate	1116-56-6	-	Toxic for reproduction (Article 57c)	16/07/2019	

# How do Suppliers stay informed?

- HSE Bulletins <https://www.hse.gov.uk/news/subscribe/index.htm>
- Industry Groups
  - Chemical Industries Association
  - Chemical Business Association
- Regulatory Consulting Groups
  - REACH Ready
- Events
  - CHEMCON Europe
- TT Environmental newsletter

## Step 2 of 3: Choose health and safety topics

Select categories below to receive news, information and updates by email.

You can change your selections at any time by reviewing your [subscriber preferences](#).

- General
- Services
- Industries
- Workers' health and safety
- Workplace risks
- Occupational disease
- Vehicles and transport
- Chemicals
  - Biocides
  - CLP Regulation
  - Export and import of dangerous chemicals (PIC)
  - Pesticides
  - Registration, Evaluation, Authorisation & restriction of Chemicals (REACH)
- Major hazards and hazardous substances
- Solutions from HSE

Next

Exit

# Thank you! Questions/ discussion

## Contact:

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<https://www.linkedin.com/in/alison-potts/>

## Websites:

[www.ttenvironmental.co.uk](http://www.ttenvironmental.co.uk)

[www.ghsclassificationcourses.com](http://www.ghsclassificationcourses.com)

[www.chemselfhelp.co.uk](http://www.chemselfhelp.co.uk)



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